

CHAPTER 99-196

Committee Substitute for Senate Bill No. 1960

An act relating to trust funds; amending s. 20.435, F.S.; repealing s. 569.20, F.S.; renaming the current Tobacco Settlement Trust Fund as the Department of Health Tobacco Settlement Trust Fund; providing for sources of moneys and purposes; providing for reversion of funds to the Department of Banking and Finance Tobacco Settlement Clearing Trust Fund for Children and Elders; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 20.435, Florida Statutes, is amended to read:

20.435 Department of Health; trust funds.—

(1) The following trust funds are hereby created, to be administered by the Department of Health:

(a) Administrative Trust Fund.

1. Funds to be credited to the trust fund shall consist of regulatory fees such as those pertaining to the licensing, permitting, and inspection of septic tanks, food hygiene, onsite sewage, Super Act compliance, solid waste management, tanning facilities, mobile home and recreational vehicle park inspection, other departmental regulatory and health care programs, and indirect earnings from grants. Funds shall be used for the purpose of supporting the regulatory activities of the department and for other such purposes as may be appropriate and shall be expended only pursuant to legislative appropriation or an approved amendment to the department's operating budget pursuant to the provisions of chapter 216.

2. Notwithstanding the provisions of s. 216.301 and pursuant to s. 216.351, any balance in the trust fund at the end of any fiscal year shall remain in the trust fund at the end of the year and shall be available for carrying out the purposes of the trust fund.

3. The trust fund shall, unless terminated sooner, be terminated on July 1, 2001.

(b) Federal Grants Trust Fund.

1. Funds to be credited to the trust fund shall consist of grants and funding from the Federal Government and funds from the Medicaid program. Funds shall be used for the purposes of providing health and support services to department clients, supporting regulatory activities of the department, and funding disease surveillance and for other such purposes as may be appropriate and shall be expended only pursuant to legislative appropriation or an approved amendment to the department's operating budget pursuant to the provisions of chapter 216.

2. Notwithstanding the provisions of s. 216.301 and pursuant to s. 216.351, any balance in the trust fund at the end of any fiscal year shall remain in the trust fund at the end of the year and shall be available for carrying out the purposes of the trust fund.

3. The trust fund shall, unless terminated sooner, be terminated on July 1, 2001.

(c) Grants and Donations Trust Fund.

1. Funds to be credited to the trust fund shall consist of restricted contractual revenue from public or private sources such as receipts from Medicaid, funds from federal environmental laws such as the Safe Drinking Water Act and the Super Act, funds from other health and environmental programs, and funds from private sources such as foundations. Funds shall be used for the purpose of supporting the activities of the department and shall be expended only pursuant to legislative appropriation or an approved amendment to the department's operating budget pursuant to the provisions of chapter 216.

2. Notwithstanding the provisions of s. 216.301 and pursuant to s. 216.351, any balance in the trust fund at the end of any fiscal year shall remain in the trust fund at the end of the year and shall be available for carrying out the purposes of the trust fund.

3. The trust fund shall, unless terminated sooner, be terminated on July 1, 2001.

(d) Medical Quality Assurance Trust Fund.

1. Funds to be credited to the trust fund shall consist of fees and fines related to the licensing of health care professionals. Funds shall be used for the purpose of providing administrative support for the regulation of health care professionals and for other such purposes as may be appropriate and shall be expended only pursuant to legislative appropriation or an approved amendment to the department's operating budget pursuant to the provisions of chapter 216.

2. Notwithstanding the provisions of s. 216.301 and pursuant to s. 216.351, any balance in the trust fund at the end of any fiscal year shall remain in the trust fund at the end of the year and shall be available for carrying out the purposes of the trust fund.

3. The trust fund shall, unless terminated sooner, be terminated on July 1, 2001.

(e) Operations and Maintenance Trust Fund.

1. Funds to be credited to the trust fund shall consist of receipts from third-party payors of health care services such as Medicare and Medicaid. Funds shall be used for the purpose of providing health care services to department clients and for other such purposes as may be appropriate and shall be expended only pursuant to legislative appropriation or an approved

amendment to the department's operating budget pursuant to the provisions of chapter 216.

2. Notwithstanding the provisions of s. 216.301 and pursuant to s. 216.351, any balance in the trust fund at the end of any fiscal year shall remain in the trust fund at the end of the year and shall be available for carrying out the purposes of the trust fund.

3. The trust fund shall, unless terminated sooner, be terminated on July 1, 2001.

(f) Social Services Block Grant Trust Fund.

1. Funds to be credited to the trust fund shall consist of federal social services block grant funds. Funds shall be used for the purpose of providing health care and support services to department clients and for other such purposes as may be appropriate and shall be expended only pursuant to legislative appropriation or an approved amendment to the department's operating budget pursuant to the provisions of chapter 216.

2. Notwithstanding the provisions of s. 216.301 and pursuant to s. 216.351, any balance in the trust fund at the end of any fiscal year shall remain in the trust fund at the end of the year and shall be available for carrying out the purposes of the trust fund.

3. The trust fund shall, unless terminated sooner, be terminated on July 1, 2001.

(g) Department of Health Tobacco Settlement Trust Fund.

1. Funds to be credited to the trust fund shall consist of funds disbursed, by nonoperating transfer, from the Department of Banking and Finance Tobacco Settlement Clearing Trust Fund in amounts equal to the annual appropriations made from this trust fund.

2. Notwithstanding the provisions of s. 216.301 and pursuant to s. 216.351, any unencumbered balance in the trust fund at the end of any fiscal year and any encumbered balance remaining undisbursed on December 31 of the same calendar year shall revert to the Department of Banking and Finance Tobacco Settlement Clearing Trust Fund.

3. The trust fund shall, unless terminated sooner, be terminated on July 1, 2002.

(2) Prior to its scheduled termination pursuant to the provisions of s. 19(f)(2), Art. III of the State Constitution, each trust fund listed in subsection (1) shall be reviewed as provided in s. 215.3206(1) and (2).

Section 2. Section 569.20, Florida Statutes, 1998 Supplement, is repealed.

Section 3. This act shall take effect upon becoming a law.

Approved by the Governor May 26, 1999.

Filed in Office Secretary of State May 26, 1999.